

JP:RCH

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

15-1361

- - - - -X

UNITED STATES OF AMERICA

COMPLAINT

- against -

(T. 18, U.S.C. § 2252(a)(2))

PEDRO PEREZ,
also known as "Miguel Rodriguez,"

Defendant.

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

THOMAS THOMPSON, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), duly appointed according to law and acting as such.

On or about and between February 12, 2015, within the Eastern District of New York and elsewhere, the defendant PEDRO PEREZ, also known as "Miguel Rodriguez," did knowingly receive and distribute any visual depiction, the production of such visual depiction having involved the use of one or more minors engaging in sexually explicit conduct and such visual depiction was of such conduct, using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce or which contains materials which have been mailed or so shipped or transported, by any means including by computer.

(Title 18, United States Code, Section 2252(a)(2)).

The source of your deponent's information and the grounds for his belief are as follows:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"). I have been employed by the FBI since 2004. I have been assigned to investigate violations of criminal law relating to the sexual exploitation of children. I have gained expertise in this area through training in classes and daily work related to these types of investigations. As a result of my training and experience, I am familiar with the techniques and methods of operations used by individuals involved in criminal activity to conceal their activities from detection by law enforcement officers. As part of my responsibilities, I have been involved in the investigation of numerous child pornography cases and have reviewed thousands of photographs depicting children (less than eighteen years of age) being sexually exploited by adults. Through my experience in these investigations, I have become familiar with methods of determining whether a child is a minor. I am also a member of the Eastern District of New York Project Safe Childhood Task Force.

2. I am familiar with the information contained in this affidavit based on my own personal participation in the investigation, my review of documents, my training and experience, and discussions I have had with other law enforcement personnel concerning the creation, distribution and proliferation of child pornography. Additionally, statements attributable to individuals herein are set forth in sum and substance and in part.

3. Peer to peer file sharing ("P2P") is a method of communication available to Internet users through the use of special software. Computers linked together through the Internet using this software form a network that allows for the sharing of digital files between users on that network. A user first obtains the P2P software, which can be downloaded from

the Internet. In general, P2P software allows the user to set up files on a computer to be shared with others running compatible P2P software. A user obtains files by opening the P2P software on the user's computer, and conducting searches for files that are currently being shared on another user's computer.

4. The latest evolution of P2P software is a program that allows a user to set up his own private P2P network of contacts. File sharing through this new and publicly available P2P file sharing program is limited only to other users who have been added to a private list of "friends." A new user is added to a list of friends by request. Acceptance of a friend request will allow that new user to download files from the user who sent the friend request. The new user can then browse the list of files that the other user has made available to download, select desired files from this list, and download the selected files. The downloading of a file occurs through a direct connection between the computer requesting the file and the computer containing the file.

5. One aspect of P2P file sharing is that multiple files may be downloaded in parallel, which permits downloading more than one file at a time.

6. A P2P file transfer is assisted by reference to an IP address. This address, expressed as four sets of numbers separated by decimal points, is unique to a particular computer during an online session. The IP address provides a unique location making it possible for data to be transferred between computers.

7. Third party software ("Network Monitoring Program" or "Investigative Software") is available to identify the IP address of the P2P computer sending the file. Such software monitors and logs Internet and local network traffic.

8. On or about February 12, 2015, an FBI Special Agent working in an undercover capacity ("Undercover Agent") signed into a peer-to-peer (P2P) program, which is publicly-available, via an internet-connected computer located within the FBI New York Division. The Undercover Agent memorialized the session by intermittent video capture using a publicly available computer program. Any download activity from the session was monitored via a Network Monitoring Program.

9. Upon signing on to publicly-available Internet Communications Service, the Undercover Agent observed the user "Miguel23101" was online. Miguel23101 was sharing several password protected folders. Miguel23101 communicated to the Undercover Agent in a private message "i like the kids." Miguel23101 then shared the folder "miguel23101" and he provided the Undercover Agent the password to this folder. The Undercover Agent browsed through this folder and it contained numerous video files with filenames indicative of child pornography.

10. The Undercover Agent downloaded seven (7) video files depicting child pornography from Miguel23101. The downloaded child pornography files contained infants and toddlers. The affiant has reviewed all of the downloaded video files. Several of these files are described as follows:

- a. **! 3yo Babyshi Kanga 005 (hard fuck).avi** is a video of an adult male engaging in vaginal intercourse with prepubescent female child, approximately three (3) years old.
- b. **(pthc frifam lolifuck) 8yo sucks cock and gets a facial – New 2012.avi** is a video of a prepubescent girl, approximately eight (8) years old, engaging in oral sex with an adult male.
- c. **!!! NEW Pthc – 11yo Evelyn 2010 – part 1!!!.avi** is a video of a girl, approximately 11 years old, digitally stimulating an adult male's penis.

- d. **(PTHC Lolifuck) 10Yo Katrina – Doggystyle (New 2008.wmv)** is a video of a partially clothed adult male engaging in sexual intercourse with a prepubescent girl, approximately 10 years old.

11. The Undercover Agent used the Network Monitoring Program to identify the IP address utilized by “Miguel23101” as 68.199.25.90. Open source database searches revealed the IP address 68.199.25.90 was registered to Cablevision.

12. Records obtained from Cablevision by administrative subpoena showed that the IP address 68.199.25.90 on February 12, 2015 was subscribed to by an individual (“Individual 1”). The address that Cablevision had associated with Individual 1 was located in Brooklyn, New York (hereinafter the “Brooklyn Address”).

13. Records obtained from the publicly available P2P file sharing program by administrative subpoena showed the “Miguel23101” account was created by a user with the email address elperrito2310@yahoo.com.mx. This email address is associated with the Facebook user, “Miguel Rodriguez,” facebook.com/Miguel.Rodriguez2310. The numbers “2310” are all in the following associated account names: “Miguel23101”, elperrito2310@yahoo.com.mx, and “Miguel.Rodriguez2310.”

14. On or about March 11, 2015, I spoke to a relative of Individual 1 at the rear entrance of the Brooklyn Address. The relative stated that Individual 1 rents out the front bedroom to “some guy.” I then went to the front door of the Brooklyn Address and the defendant PEDRO PEREZ answered the door. The defendant appeared to be the same person in Miguel Rodriguez’s Facebook profile pictures. The defendant also stated that he lives in the front room of the Brooklyn Address and goes by the names “Pedro” or “Miguel.”

15. On March 25, 2015, FBI agents executed a search warrant, issued on March 20, 2015 by the Honorable Marilyn D. Go, at the defendant PEDRO PEREZ's residence, the Brooklyn Address.

16. The defendant was present when FBI agents executed the search warrant. Agents provided a copy of the search warrant and items to be seized to the defendant to read. The agents informed the defendant that they were there to execute the search warrant. Agents advised the defendant of his Miranda rights. He stated that he understood his rights, signed a written Miranda waiver form and indicated that he wanted to speak to agents without a lawyer present.


17. The defendant subsequently advised agents, in sum and substance and in part, that he used the "Miguel23101" account, that he viewed child pornography on a laptop computer located at the Brooklyn Address, and that there was child pornography contained in that laptop computer.

18. Pursuant to the search warrant, FBI agents seized the defendant's laptop computer, which was found at the Brooklyn Address. A preliminary forensic review of the defendant's laptop computer found at the Brooklyn Address revealed that the laptop computer contained several hundred image and video files depicting child pornography. Several of these files are described as follows and are available for the Court to review:

- a. **! NEW !(pthc) 2007 Tara 8yr – Tara's Oral Explosion (kleuterkutje) (ped) (ptsc).mpg** is a video of an approximately eight (8) year old female child engaging in oral sex with an adult male.
- b. **022 (-Jho-) 6Yo Tiny Jessica (3) Taking A Dick In The Ass 2008.mpg** is a video of an adult male engaging in anal sex with an approximately three (3) year old female child.

19. FBI agents then placed the defendant under arrest.

WHEREFORE, your deponent respectfully requests that the defendant PEDRO PEREZ be dealt with according to law.



Thomas Thompson
Special Agent
Federal Bureau of Investigation

Sworn to before me this
25th day of March, 2015

~~THE HONORABLE MARILYN D. GO~~
~~UNITED STATES MAGISTRATE JUDGE~~
~~EASTERN DISTRICT OF NEW YORK~~